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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA - San Francisco Division

NICHOLLE VANNUCCI, ELLEN
BROWN, and SHANNON HALL,
individuals; and HOMELESS ACTION!,
an unincorporated association,

Plaintiffs,

v.

COUNTY OF SONOMA, SONOMA
COUNTY COMMUNITY
DEVELOPMENT COMMISSION, CITY
OF SANTA ROSA, and DOES I to XX,

Defendants.

CASE NO. 3:18-CV-01955-VC

**CITY OF SANTA ROSA'S ANSWER
AND AFFIRMATIVE DEFENSES**

DEMAND FOR JURY TRIAL

Defendant, CITY OF SANTA ROSA, Answers plaintiff's Verified Amended Complaint
and Supplemental Complaint, as follows:

INTRODUCTION

1. Answering Paragraph 1 of the Supplemental Complaint, defendant City admits
that the Roseland Encampments were two homeless encampments that until April 20, 2018 were
located in Santa Rosa, California on a site owned by defendant Commission. As to the remaining
allegations in this Paragraph, defendant City lacks knowledge or information sufficient to form a
belief as to their truth or falsity and, on that basis, denies them.

2. Answering Paragraph 2 of the Supplemental Complaint, defendant lacks

1 knowledge or information sufficient to form a belief as to the motivations of plaintiffs in
2 bringing this lawsuit and, on that basis, denies the allegations in this paragraph.

3 3. Answering Paragraph 3 of the Supplemental Complaint, defendant City lacks
4 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in
5 this paragraph and on that basis denies the allegations in this paragraph.

6 4. Answering Paragraph 4 of the Supplemental Complaint defendant City admits
7 Plaintiffs asked Defendants County and Commission to delay closure of the Roseland site.
8 Defendant City denies the remaining allegations in this paragraph.

9 5. Answering Paragraph 5 of the Supplemental Complaint, defendant City admits
10 defendants County and Commission denied Plaintiffs' request to delay closure of the Roseland
11 site and further admits that Plaintiffs filed a motion for Temporary Restraining Order seeking to
12 halt closure of the Roseland encampments. Defendant City denies the remaining allegations in
13 this paragraph.

14 6. Answering Paragraph 6 of the Supplemental Complaint, defendant City admits the
15 Court denied Plaintiffs' Motion for a Temporary Restraining Order and defendants County and
16 Commission closed the Roseland site on April 19 and 20, 2018. Defendant City denies the
17 remaining allegations in this paragraph.

18 7. Answering Paragraph 7 of the Supplemental Complaint Defendant City lacks
19 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in
20 this paragraph and on that basis denies the allegations in this paragraph.

21 **JURISDICTION AND VENUE**

22 8. Answering Paragraph 8 of the Supplemental Complaint defendant City admits that
23 the Complaint purports to allege claims over which this Court has subject matter jurisdiction
24 under 28 U.S.C. §§ 1331 and 1343, 42 U.S.C. § 12132 and 42 U.S.C. § 1983. Defendant City
25 denies the remaining allegations in this paragraph.

26 9. Answering Paragraph 9 of the Supplemental Complaint, defendant City admits
27 that the Complaint purports to allege state law and state constitutional claims over which this
28 Court has supplemental jurisdiction under 28 U.S.C. § 1367. Defendant City denies the

1 remaining allegations in this paragraph.

2 10. Answering Paragraph 10 of the Supplemental Complaint, defendant City admits
3 the allegations therein.

4 **PLAINTIFFS**

5 11. Answering Paragraph 11 of the Supplemental Complaint, defendant City lacks
6 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in
7 this paragraph and on that basis denies the allegations in this paragraph.

8 12. Answering Paragraph 12 of the Supplemental Complaint, defendant City denies
9 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in
10 paragraph 12 and on that basis denies them.

11 13. Answering Paragraph 13 of the Supplemental Complaint, defendant City denies
12 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in
13 paragraph 13 and on that basis denies them.

14 14. Answering Paragraph 14 of the Supplemental Complaint, defendant City denies
15 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in
16 paragraph 14 and on that basis denies them.

17 15. Answering Paragraph 15 of the Supplemental Complaint, defendant City denies
18 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in
19 paragraph 15 and on that basis denies them.

20 16. Answering Paragraph 16 of the Supplemental Complaint, defendant City denies
21 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in
22 paragraph 16 and on that basis denies them.

23 17. Answering Paragraph 17 of the Supplemental Complaint, defendant City admits
24 the allegations therein.

25 **DEFENDANTS**

26 18. Answering Paragraph 18 of the Supplemental Complaint, defendant City admits
27 the allegations therein.

28 19. Answering Paragraph 19 of the Supplemental Complaint, defendant City admits

1 the allegations therein.

2 20. Answering Paragraph 20 of the Supplemental Complaint, defendant City admits
3 that the Commission is responsible for administering the County's Coordinated Entry System,
4 that Coordinated Entry is the system by which homeless individuals access the County's shelter
5 system and other services, including housing placement. Defendant City denies the remaining
6 allegations in this paragraph and objects to the extent the remaining allegations attempt to state
7 legal conclusions as facts or attempt to summarize federal law, regulations, or both, which exists
8 and speaks for itself.

9 21. Answering Paragraph 21 of the Supplemental Complaint, defendant City admits
10 the allegations therein.

11 22. Answering Paragraph 22 of the Supplemental Complaint, defendant City admits
12 the allegations therein.

13 23. Answering Paragraph 23 of the Supplemental Complaint, defendant City denies
14 the CDC requested that the Santa Rosa Police Department remove Roseland encampment
15 residents and their belongings from the Roseland site if those residents had not vacated by April
16 3, 2018.

17 24. Answering Paragraph 24 of the Supplemental Complaint, defendant City admits
18 that CDC employees participated in some conduct that is the subject of the Supplemental
19 Complaint, but denies that such conduct was "unlawful", denies the "acts complained of herein"
20 constitute policies, practices or customs of the CDC, and denies the remaining allegations in this
21 paragraph.

22 25. Answering Paragraph 25 of the Supplemental Complaint, defendant City lacks
23 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in
24 paragraph 25 and on that basis denies them.

25 26. Answering Paragraph 26 of the Supplemental Complaint, defendant City admits
26 the allegations therein.

27 27. Answering Paragraph 27 of the Supplemental Complaint, defendant City denies
28 the allegations in this paragraph.

1 28. Answering Paragraph 28 of the Supplemental Complaint, defendant City admits
2 the allegations therein.

3 29. Answering Paragraph 29 of the Supplemental Complaint, defendant City admits
4 the allegations therein.

5 30. Answering Paragraph 30 of the Supplemental Complaint, defendant City admits
6 the allegations therein.

7 31. Answering Paragraph 31 of the Supplemental Complaint, defendant City denies
8 the allegations in this paragraph.

9 **PROCEDURAL HISTORY**

10 32. Answering Paragraph 32 of the Supplemental Complaint, defendant City admits
11 the allegations therein.

12 33. Answering Paragraph 33 of the Supplemental Complaint, defendant City admits
13 plaintiffs filed a Motion for Temporary Restraining Order on March 31, 2018. As to the
14 remaining allegations in this paragraph, defendant City lacks knowledge or information sufficient
15 to form a belief as to the truth or falsity of those allegations and on that basis denies them.

16 34. Answering Paragraph 34 of the Supplemental Complaint, defendant City admits
17 the Court ordered the parties to appear for a hearing on plaintiffs' motion for a temporary
18 restraining order on April 5 and entered an order temporarily enjoining defendants from
19 enforcing the notice to vacate at the Roseland encampments through the date of the hearing. As
20 to the remaining allegations in this paragraph, defendant denies such allegations.

21 35. Answering Paragraph 35 of the Supplemental Complaint, defendant City admits
22 that the Court asked defendants County and Commission whether they would consider
23 voluntarily postponing the closure of the Roseland Encampments for twenty-one days. As to the
24 remaining allegations in this paragraph, defendant denies such allegations.

25 36. Answering Paragraph 36 of the Supplemental Complaint, defendant City admits
26 that defendants County and Commission scheduled the closure of the Roseland Encampments for
27 April 19, 2018. Defendant City denies the remaining allegations in this paragraph.

28 37. Answering Paragraph 37 of the Supplemental Complaint, defendant City admits

1 that the Court denied Plaintiffs Motion for Temporary Restraining Order on April 7, 2018
2 allowing the closure of the Roseland Encampments to move forward.

3 38. Answering Paragraph 38 of the Supplemental Complaint, defendant City admits
4 that the plaintiffs filed an Amended Complaint on June 1, 2018. Defendant City denies the
5 remaining allegations in this paragraph.

6 39. Answering Paragraph 39 of the Supplemental Complaint, the Court's orders speak
7 for themselves.

8 **STATEMENT OF FACTS PREVIOUSLY PLED IN**
9 **VERIFIED AMENDED COMPLAINT**

10 40. Answering Paragraph 40 of the Supplemental Complaint, defendant City admits
11 that plaintiffs purport to cite information contained in the 2014 update to the 10-Year Homeless
12 Action Plan for the County, a document which speaks for itself. As to the remaining allegations
13 in this paragraph, defendant City denies such allegations.

14 41. Answering Paragraph 41 of the Supplemental Complaint, defendant City admits
15 that plaintiffs purport to cite information contained in the 2014 update to the 10-Year Homeless
16 Action Plan for the County, a document which speaks for itself.

17 42. Answering Paragraph 42 of the Supplemental Complaint, defendant City admits
18 that the plaintiffs purport to cite information from a City resolution that speaks for itself.
19 Defendant City denies the balance of the allegations in this paragraph.

20 43. Answering Paragraph 43 of the Supplemental Complaint, defendant City admits
21 that the plaintiffs purport to cite information from a City resolution that speaks for itself.
22 Defendant City denies the balance of the allegations in this paragraph.

23 44. Answering Paragraph 44 of the Supplemental Complaint, defendant City admits
24 that the plaintiffs purport to cite information from a Homeless Point in Time Census that speaks
25 for itself. Defendant City denies the balance of the allegations in this paragraph.

26 45. Answering Paragraph 45 of the Supplemental Complaint, defendant City
27 resolutions regarding a homeless emergency speak for themselves.

28 46. Answering Paragraph 46 of the Supplemental Complaint, defendant City admits

1 that the plaintiffs purport to cite information from a County Point in Time Census that speaks for
2 itself. Defendant City denies the balance of the allegations in this paragraph.

3 47. Answering Paragraph 47 of the Supplemental Complaint, defendant City admits
4 that the plaintiffs purport to cite information from a County Point in Time Census that speaks for
5 itself. Defendant City denies the balance of the allegations in this paragraph.

6 48. Answering Paragraph 48 of the Supplemental Complaint, defendant City denies
7 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in
8 paragraph 48 and on that basis denies them.

9 49. Answering Paragraph 49 of the Supplemental Complaint, defendant City admits
10 that the plaintiffs purport to cite information from a County Point in Time Census that speaks for
11 itself. Defendant City denies the balance of the allegations in this paragraph.

12 50. Answering Paragraph 50 of the Supplemental Complaint, defendant City denies
13 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in
14 paragraph 50 and on that basis denies them.

15 51. Answering Paragraph 51 of the Supplemental Complaint, defendant City denies
16 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in
17 paragraph 51 and on that basis denies them.

18 52. Answering Paragraph 52 of the Supplemental Complaint, defendant City admits
19 that the plaintiffs purport to cite information from a Continuum of Care report that speaks for
20 itself. Defendant City denies the balance of the allegations in this paragraph.

21 53. Answering Paragraph 53 of the Supplemental Complaint, defendant City denies
22 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in
23 paragraph 53 and on that basis denies them.

24 54. Answering Paragraph 54 of the Supplemental Complaint, defendant City admits
25 that plaintiffs purport to quote a Santa Rosa City Council member's comments at a City Council
26 meeting.

27 55. Answering Paragraph 55 of the Supplemental Complaint, defendant City denies
28 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in

1 paragraph 55 and on that basis denies them.

2 56. Answering Paragraph 56 of the Supplemental Complaint, defendant City denies
3 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in
4 paragraph 55 and on that basis denies them.

5 57. Answering Paragraph 57 of the Supplemental Complaint, defendant City denies
6 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in
7 paragraph 57 and on that basis denies them.

8 58. Answering Paragraph 58 of the Supplemental Complaint, defendant City denies
9 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in
10 paragraph 58 and on that basis denies them.

11 59. Answering Paragraph 59 of the Supplemental Complaint, defendant City admits
12 that the Coordinated Entry System includes intake, assessment, and placement for homeless
13 individuals, and that the VI-SPDAT (Vulnerability Index-Service Prioritization Decision
14 Assistance Tool) is one of the assessment tools. Defendant City denies the balance of the
15 allegations in this paragraph.

16 60. Answering Paragraph 60, defendant City admits that the Coordinated Entry
17 System uses the VI-SPDAT as one of the tools to determine whether an individual will be placed
18 on the waitlist for emergency shelter and/or transitional housing, for rapid rehousing services, for
19 permanent supportive housing.

20 61. Answering Paragraph 61 of the Supplemental Complaint, defendant City denies
21 the allegations in this paragraph.

22 62. Answering Paragraph 62 of the Supplemental Complaint, defendant City denies
23 the allegations in this paragraph.

24 63. Answering Paragraph 63 of the Supplemental Complaint, defendant City denies
25 the allegations in this paragraph.

26 64. Answering Paragraph 64 of the Supplemental Complaint, defendant City admits
27 that the plaintiffs purport to cite information from a Continuum of Care report that speaks for
28 itself. Defendant City denies the balance of the allegations in this paragraph.

1 65. Answering Paragraph 65 of the Supplemental Complaint, defendant City denies
2 the allegations in this paragraph.

3 66. Answering Paragraph 66 of the Supplemental Complaint, defendant City lacks
4 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in
5 paragraph 66 and on that basis denies them.

6 67. Answering Paragraph 67 of the Supplemental Complaint, defendant City lacks
7 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in
8 paragraph 67 and on that basis denies them.

9 68. Answering Paragraph 68 of the Supplemental Complaint, defendant City lacks
10 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in
11 paragraph 68 and on that basis denies them.

12 69. Answering Paragraph 69 of the Supplemental Complaint, defendant City lacks
13 knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in
14 paragraph 69 and on that basis denies them.

15 70. Answering Paragraph 70 of the Supplemental Complaint, defendant City admits
16 that the Continuum of Care Coordinated Entry Policies and Procedures references participating
17 agencies' duty to provide reasonable accommodations to individuals with disabilities. Defendant
18 City denies the remaining allegations in this paragraph.

19 71. Answering Paragraph 71 of the Supplemental Complaint, defendant City admits
20 that CDC is aware that many homeless individuals, including individuals living in encampments
21 like the Roseland Encampments have severe mental health disabilities. Defendant City denies the
22 remaining allegations in this paragraph.

23 72. Answering Paragraph 72 of the Supplemental Complaint, defendant City denies
24 the allegations therein.

25 73. Answering Paragraph 73 of the Supplemental Complaint, defendant City denies
26 the allegations therein.

27 74. Answering Paragraph 74 of the Supplemental Complaint, defendant City denies
28 the allegations therein.

1 75. Answering Paragraph 75 of the Supplemental Complaint, defendant City admits
2 that plaintiffs purport to quotes figures from the Sonoma County Homeless Census Survey and
3 the City of Santa Rosa Homeless Encampment Cleanup Pilot Program Frequently Asked
4 Questions, which documents speak for themselves. Defendant City denies the remaining
5 allegations in this paragraph.

6 76. Answering Paragraph 76 of the Supplemental Complaint, defendant City admits
7 that the City approved a Community Homeless Assistance Program (CHAP) and that plaintiffs
8 purport to quote from a press release, which speaks for itself. Defendant City denies the
9 remaining allegations in this paragraph.

10 77. Answering Paragraph 77 of the Supplemental Complaint, defendant City admits
11 CHAPs has generated alternative shelter arrangements, but lacks knowledge or information
12 sufficient to form a belief as to the truth or falsity of the allegations in paragraph 77 and on that
13 basis denies them.

14 78. Answering Paragraph 78 of the Supplemental Complaint, defendant City admits
15 that it has made new shelter beds available since 2016. Defendant City denies the remaining
16 allegations in this paragraph.

17 79. Answering Paragraph 79 of the Supplemental Complaint, defendant City denies
18 the allegations therein.

19 80. Answering Paragraph 80 of the Supplemental Complaint, defendant City admits
20 that it has ordinances pertaining to camping on public and private property.

21 81. Answering Paragraph 81 of the Supplemental Complaint, defendant City admit
22 that plaintiffs purport to quote from Santa Rosa City Ordinance 11-22 which ordinance speaks
23 for itself.

24 82. Answering Paragraph 82 of the Supplemental Complaint, defendant City admits
25 the City amended ordinances, which speak for themselves. Defendant City denies the remaining
26 allegations in this paragraph.

27 83. Answering Paragraph 83 of the Supplemental Complaint, defendant City admits
28 that citations have been issued for violation of City Code §1-12.020, 10-12.030, 10-08.010 and

1 9-12.050. Defendant City denies the remaining allegations in this paragraph.

2 84. Answering Paragraph 84 of the Supplemental Complaint, defendant City lacks
3 knowledge and information sufficient to form a belief as to the truth or falsity of the allegations
4 in paragraph 84 and on that basis denies them.

5 85. Answering Paragraph 85 of the Supplemental Complaint, defendant City lacks
6 knowledge and information sufficient to form a belief as to the truth or falsity of the allegations
7 in paragraph 85 and on that basis denies them.

8 86. Answering Paragraph 86 of the Supplemental Complaint, defendant City lacks
9 knowledge and information sufficient to form a belief as to the truth or falsity of the allegations
10 in paragraph 86 and on that basis denies them.

11 87. Answering Paragraph 87 of the Supplemental Complaint, defendant City lacks
12 knowledge and information sufficient to form a belief as to the truth or falsity of the allegations
13 in paragraph 87 and on that basis denies them.

14 88. Answering Paragraph 88 of the Supplemental Complaint, defendant City admits
15 that the City approved the “Homeless Encampment Assistance Pilot Program” (HEAPP), that a
16 purpose of which was to mitigate the impact on the surrounding community of encampments and
17 to address the health, safety and shelter needs of individuals, and that the program uses the
18 Homeless Outreach Services Team (HOST). Defendant City denies the remaining allegations in
19 this paragraph.

20 89. Answering Paragraph 89 of the Supplemental Complaint, defendant City admits
21 that an encampment at the intersection of Farmers Lane and Bennett Valley Road was addressed
22 through the HEAPP program. Defendant City denies the remaining allegations in this paragraph.

23 90. Answering Paragraph 90 of the Supplemental Complaint, defendant City admits
24 notice was provided to the residents of the Farmers Lane encampment. Defendant City denies the
25 remaining allegations in this paragraph.

26 91. Answering Paragraph 91 of the Supplemental Complaint, defendant City admits
27 that a meeting was held, that residents were notified of the pending closure of the encampment,
28 and that HOST staff assisted. Defendant City denies the remaining allegations in this paragraph.

1 92. Answering Paragraph 92 of the Supplemental Complaint, defendant City admits
2 that the Farmer's Lane encampment was closed. Defendant City denies the remaining allegations
3 in this paragraph.

4 93. Answering Paragraph 93 of the Supplemental Complaint, defendant City admits
5 that City created new shelter beds and place individuals from the Farmer's Lane Encampment,
6 and that some people moved to other locations, including under Highway 101. Defendant City
7 denies the remaining allegations in this paragraph.

8 94. Answering Paragraph 94 of the Supplemental Complaint, defendant City admits
9 notice was provided to residents encamped beneath the Highway 101 overpass, which written
10 notices speak for themselves. Defendant City denies the remaining allegations in this paragraph.

11 95. Answering Paragraph 95 of the Supplemental Complaint, defendant City admits
12 individuals beneath the Highway 101 overpass were cited for violation of various ordinances,
13 primarily obstruction of the sidewalk. Defendant denies the remaining allegations in this
14 paragraph.

15 96. Answering Paragraph 96 of the Supplemental Complaint, defendant City admits
16 that placements were provided for some individuals who were encamped beneath the Highway
17 101 overpass. Defendant City denies the remaining allegations in this paragraph.

18 97. Answering Paragraph 97 of the Supplemental Complaint, defendant City admits
19 that encampments were located at 665 to 883 Sebastopol Road. Defendant City lacks knowledge
20 or information to form a belief as to the truth or falsity of the remaining allegations in this
21 paragraph and, on that basis, deny those allegations.

22 98. Answering Paragraph 98 of the Supplemental Complaint, defendant City admits
23 that the Roseland encampment is located in Santa Rosa in Roseland which was annexed by the
24 City. Defendant City lacks knowledge or information to form a belief as to the truth or falsity of
25 the remaining allegations in this paragraph and, on that basis, deny those allegations.

26 99. Answering Paragraph 99 of the Supplemental Complaint, defendant City admits
27 the allegations therein.

28 100. Answering Paragraph 100 of the Supplemental Complaint, defendant City lacks

1 knowledge or information to form a belief as to the truth or falsity of the allegations in this
2 paragraph and, on that basis, denies those allegations.

3 101. Answering Paragraph 101 of the Supplemental Complaint, defendant City lacks
4 knowledge or information to form a belief as to the truth or falsity of the allegations in this
5 paragraph and, on that basis, denies those allegations.

6 102. Answering Paragraph 102 of the Supplemental Complaint, defendant City lacks
7 knowledge or information to form a belief as to the truth or falsity of the allegations in this
8 paragraph and, on that basis, denies those allegations.

9 103. Answering Paragraph 103 of the Supplemental Complaint, defendant City lacks
10 knowledge or information to form a belief as to the truth or falsity of the allegations in this
11 paragraph and, on that basis, denies those allegations.

12 104. Answering Paragraph 104 of the Supplemental Complaint, defendant City lacks
13 knowledge or information to form a belief as to the truth or falsity of the allegations in this
14 paragraph and, on that basis, denies those allegations.

15 105. Answering Paragraph 105 of the Supplemental Complaint, defendant City lacks
16 knowledge or information to form a belief as to the truth or falsity of the allegations in this
17 paragraph and, on that basis, denies those allegations.

18 106. Answering Paragraph 106 of the Supplemental Complaint, defendant City lacks
19 knowledge or information to form a belief as to the truth or falsity of the allegations in this
20 paragraph and, on that basis, denies those allegations.

21 107. Answering Paragraph 107 of the Supplemental Complaint, defendant City lacks
22 knowledge or information to form a belief as to the truth or falsity of the allegations in this
23 paragraph and, on that basis, denies those allegations.

24 108. Answering Paragraph 108 of the Supplemental Complaint, defendant City lacks
25 knowledge or information to form a belief as to the truth or falsity of the allegations in this
26 paragraph and, on that basis, denies those allegations.

27 109. Answering Paragraph 109 of the Supplemental Complaint, defendant City lacks
28 knowledge or information to form a belief as to the truth or falsity of the allegations in this

1 paragraph and, on that basis, denies those allegations.

2 110. Answering Paragraph 110 of the Supplemental Complaint, defendant City lacks
3 knowledge or information to form a belief as to the truth or falsity of the allegations in this
4 paragraph and, on that basis, denies those allegations.

5 111. Answering Paragraph 111 of the Supplemental Complaint, defendant City lacks
6 knowledge or information to form a belief as to the truth or falsity of the allegations in this
7 paragraph and, on that basis, denies those allegations.

8 112. Answering Paragraph 112 of the Supplemental Complaint, defendant City lacks
9 knowledge or information to form a belief as to the truth or falsity of the allegations in this
10 paragraph and, on that basis, denies those allegations.

11 113. Answering Paragraph 113 of the Supplemental Complaint, defendant City lacks
12 knowledge or information to form a belief as to the truth or falsity of the allegations in this
13 paragraph and, on that basis, denies those allegations.

14 114. Answering Paragraph 114 of the Supplemental Complaint, defendant City lacks
15 knowledge or information to form a belief as to the truth or falsity of the allegations in this
16 paragraph and, on that basis, denies those allegations.

17 115. Answering Paragraph 115 of the Supplemental Complaint, defendant City lacks
18 knowledge or information to form a belief as to the truth or falsity of the allegations in this
19 paragraph and, on that basis, denies those allegations.

20 116. Answering Paragraph 116 of the Supplemental Complaint, defendant City lacks
21 knowledge or information to form a belief as to the truth or falsity of the allegations in this
22 paragraph and, on that basis, denies those allegations.

23 117. Answering Paragraph 117 of the Supplemental Complaint, defendant City lacks
24 knowledge or information to form a belief as to the truth or falsity of the allegations in this
25 paragraph and, on that basis, denies those allegations.

26 118. Answering Paragraph 118 of the Supplemental Complaint, defendant City lacks
27 knowledge or information to form a belief as to the truth or falsity of the allegations in this
28 paragraph and, on that basis, denies those allegations.

1 119. Answering Paragraph 119 of the Supplemental Complaint, defendant City lacks
2 knowledge or information to form a belief as to the truth or falsity of the allegations in this
3 paragraph and, on that basis, denies those allegations.

4 120. Answering Paragraph 120 of the Supplemental Complaint, defendant City lacks
5 knowledge or information to form a belief as to the truth or falsity of the allegations in this
6 paragraph and, on that basis, denies those allegations.

7 121. Answering Paragraph 121 of the Supplemental Complaint, defendant City lacks
8 knowledge or information to form a belief as to the truth or falsity of the allegations in this
9 paragraph and, on that basis, denies those allegations.

10 122. Answering Paragraph 122 of the Supplemental Complaint, defendant City lacks
11 knowledge or information to form a belief as to the truth or falsity of the allegations in this
12 paragraph and, on that basis, denies those allegations.

13 123. Answering Paragraph 123 of the Supplemental Complaint, defendant City denies
14 the allegations therein.

15 124. Answering Paragraph 124 of the Supplemental Complaint, defendant City lacks
16 knowledge or information to form a belief as to the truth or falsity of the allegations in this
17 paragraph and, on that basis, denies those allegations.

18 125. Answering Paragraph 125 of the Supplemental Complaint, defendant City lacks
19 knowledge or information to form a belief as to the truth or falsity of the allegations in this
20 paragraph and, on that basis, denies those allegations.

21 126. Answering Paragraph 126 of the Supplemental Complaint, defendant City lacks
22 knowledge or information to form a belief as to the truth or falsity of the allegations in this
23 paragraph and, on that basis, denies those allegations.

24 127. Answering Paragraph 127 of the Supplemental Complaint, defendant City lacks
25 knowledge or information to form a belief as to the truth or falsity of the allegations in this
26 paragraph and, on that basis, denies those allegations.

27 128. Answering Paragraph 128 of the Supplemental Complaint, defendant City lacks
28 knowledge or information to form a belief as to the truth or falsity of the allegations in this

1 paragraph and, on that basis, denies those allegations.

2 129. Answering Paragraph 129 of the Supplemental Complaint, defendant City lacks
3 knowledge or information to form a belief as to the truth or falsity of the allegations in this
4 paragraph and, on that basis, denies those allegations.

5 130. Answering Paragraph 130 of the Supplemental Complaint, defendant City lacks
6 knowledge or information to form a belief as to the truth or falsity of the allegations in this
7 paragraph and, on that basis, denies those allegations.

8 131. Answering Paragraph 131 of the Supplemental Complaint, defendant City lacks
9 knowledge or information to form a belief as to the truth or falsity of the allegations in this
10 paragraph and, on that basis, denies those allegations.

11 132. Answering Paragraph 132 of the Supplemental Complaint, defendant City lacks
12 knowledge or information to form a belief as to the truth or falsity of the allegations in this
13 paragraph and, on that basis, denies those allegations.

14 133. Answering Paragraph 133 of the Supplemental Complaint, defendant City lacks
15 knowledge or information to form a belief as to the truth or falsity of the allegations in this
16 paragraph and, on that basis, denies those allegations.

17 134. Answering Paragraph 134 of the Supplemental Complaint, defendant City lacks
18 knowledge or information to form a belief as to the truth or falsity of the allegations in this
19 paragraph and, on that basis, denies those allegations.

20 135. Answering Paragraph 135 of the Supplemental Complaint, defendant City lacks
21 knowledge or information to form a belief as to the truth or falsity of the allegations in this
22 paragraph and, on that basis, denies those allegations.

23 136. Answering Paragraph 136 of the Supplemental Complaint, defendant City lacks
24 knowledge or information to form a belief as to the truth or falsity of the allegations in this
25 paragraph and, on that basis, denies those allegations.

26 137. Answering Paragraph 137 of the Supplemental Complaint, defendant City lacks
27 knowledge or information to form a belief as to the truth or falsity of the allegations in this
28 paragraph and, on that basis, denies those allegations.

1 138. Answering Paragraph 138 of the Supplemental Complaint, defendant City lacks
2 knowledge or information to form a belief as to the truth or falsity of the allegations in this
3 paragraph and, on that basis, denies those allegations.

4 139. Answering Paragraph 139 of the Supplemental Complaint, defendant City lacks
5 knowledge or information to form a belief as to the truth or falsity of the allegations in this
6 paragraph and, on that basis, denies those allegations.

7 140. Answering Paragraph 140 of the Supplemental Complaint, defendant City lacks
8 knowledge or information to form a belief as to the truth or falsity of the allegations in this
9 paragraph and, on that basis, denies those allegations.

10 141. Answering Paragraph 141 of the Supplemental Complaint, defendant City lacks
11 knowledge or information to form a belief as to the truth or falsity of the allegations in this
12 paragraph and, on that basis, denies those allegations.

13 142. Answering Paragraph 142 of the Supplemental Complaint, defendant City lacks
14 knowledge or information to form a belief as to the truth or falsity of the allegations in this
15 paragraph and, on that basis, denies those allegations.

16 143. Answering Paragraph 143 of the Supplemental Complaint, defendant City lacks
17 knowledge or information to form a belief as to the truth or falsity of the allegations in this
18 paragraph and, on that basis, denies those allegations.

19 144. Answering Paragraph 144 of the Supplemental Complaint, defendant City lacks
20 knowledge or information to form a belief as to the truth or falsity of the allegations in this
21 paragraph and, on that basis, denies those allegations.

22 145. Answering Paragraph 145 of the Supplemental Complaint, defendant City lacks
23 knowledge or information to form a belief as to the truth or falsity of the allegations in this
24 paragraph and, on that basis, denies those allegations.

25 146. Answering Paragraph 146 of the Supplemental Complaint, defendant City lacks
26 knowledge or information to form a belief as to the truth or falsity of the allegations in this
27 paragraph and, on that basis, denies those allegations.

28 147. Answering Paragraph 147 of the Supplemental Complaint, defendant City lacks

1 knowledge or information to form a belief as to the truth or falsity of the allegations in this
2 paragraph and, on that basis, denies those allegations.

3 148. Answering Paragraph 148 of the Supplemental Complaint, defendant City lacks
4 knowledge or information to form a belief as to the truth or falsity of the allegations in this
5 paragraph and, on that basis, denies those allegations.

6 149. Answering Paragraph 149 of the Supplemental Complaint, defendant City lacks
7 knowledge or information to form a belief as to the truth or falsity of the allegations in this
8 paragraph and, on that basis, denies those allegations.

9 150. Answering Paragraph 150 of the Supplemental Complaint, defendant City lacks
10 knowledge or information to form a belief as to the truth or falsity of the allegations in this
11 paragraph and, on that basis, denies those allegations.

12 151. Answering Paragraph 151 of the Supplemental Complaint, defendant City lacks
13 knowledge or information to form a belief as to the truth or falsity of the allegations in this
14 paragraph and, on that basis, denies those allegations.

15 152. Answering Paragraph 152 of the Supplemental Complaint, defendant City lacks
16 knowledge or information to form a belief as to the truth or falsity of the allegations in this
17 paragraph and, on that basis, denies those allegations.

18 153. Answering Paragraph 153 of the Supplemental Complaint, defendant City lacks
19 knowledge or information to form a belief as to the truth or falsity of the allegations in this
20 paragraph and, on that basis, denies those allegations.

21 154. Answering Paragraph 154 of the Supplemental Complaint, defendant City lacks
22 knowledge or information to form a belief as to the truth or falsity of the allegations in this
23 paragraph and, on that basis, denies those allegations.

24 155. Answering Paragraph 155 of the Supplemental Complaint, defendant City lacks
25 knowledge or information to form a belief as to the truth or falsity of the allegations in this
26 paragraph and, on that basis, denies those allegations.

27 156. Answering Paragraph 156 of the Supplemental Complaint, defendant City lacks
28 knowledge or information to form a belief as to the truth or falsity of the allegations in this

1 paragraph and, on that basis, denies those allegations.

2 157. Answering Paragraph 157 of the Supplemental Complaint, defendant City lacks
3 knowledge or information to form a belief as to the truth or falsity of the allegations in this
4 paragraph and, on that basis, denies those allegations.

5 158. Answering Paragraph 158 of the Supplemental Complaint, defendant City lacks
6 knowledge or information to form a belief as to the truth or falsity of the allegations in this
7 paragraph and, on that basis, denies those allegations.

8 159. Answering Paragraph 159 of the Supplemental Complaint, defendant City lacks
9 knowledge or information to form a belief as to the truth or falsity of the allegations in this
10 paragraph and, on that basis, denies those allegations.

11 160. Answering Paragraph 160 of the Supplemental Complaint, defendant City lacks
12 knowledge or information to form a belief as to the truth or falsity of the allegations in this
13 paragraph and, on that basis, denies those allegations.

14 **SUPPLEMENTAL STATEMENT OF FACTS**

15 161. Answering Paragraph 161 of the Supplemental Complaint, defendant City lacks
16 knowledge or information to form a belief as to the truth or falsity of the allegations in this
17 paragraph and, on that basis, denies those allegations.

18 162. Answering Paragraph 162 of the Supplemental Complaint, defendant City lacks
19 knowledge or information to form a belief as to the truth or falsity of the allegations in this
20 paragraph and, on that basis, denies those allegations.

21 163. Answering Paragraph 163 of the Supplemental Complaint, defendant City lacks
22 knowledge or information to form a belief as to the truth or falsity of the allegations in this
23 paragraph and, on that basis, denies those allegations.

24 164. Answering Paragraph 164 of the Supplemental Complaint, defendant City lacks
25 knowledge or information to form a belief as to the truth or falsity of the allegations in this
26 paragraph and, on that basis, denies those allegations.

27 165. Answering Paragraph 165 of the Supplemental Complaint, defendant City lacks
28 knowledge or information to form a belief as to the truth or falsity of the allegations in this

1 paragraph and, on that basis, denies those allegations.

2 166. Answering Paragraph 166 of the Supplemental Complaint, defendant City lacks
3 knowledge or information to form a belief as to the truth or falsity of the allegations in this
4 paragraph and, on that basis, denies those allegations.

5 167. Answering Paragraph 167 of the Supplemental Complaint, defendant City lacks
6 knowledge or information to form a belief as to the truth or falsity of the allegations in this
7 paragraph and, on that basis, denies those allegations.

8 168. Answering Paragraph 168 of the Supplemental Complaint, defendant City lacks
9 knowledge or information to form a belief as to the truth or falsity of the allegations in this
10 paragraph and, on that basis, denies those allegations.

11 169. Answering Paragraph 169 of the Supplemental Complaint, defendant City admits
12 that the Roseland encampments were closed on or about April 19 and April 20, 2018. Defendant
13 City denies the remaining allegations in this paragraph.

14 170. Answering Paragraph 170 of the Supplemental Complaint, defendant City admits
15 that the Santa Rosa Police Department were present at the time of removal of residents from the
16 encampment. Defendant City denies the remaining allegations in this paragraph.

17 171. Answering Paragraph 171 of the Supplemental Complaint, defendant City lacks
18 knowledge or information to form a belief as to the truth or falsity of the allegations in this
19 paragraph and, on that basis, denies those allegations.

20 172. Answering Paragraph 172 of the Supplemental Complaint, defendant City lacks
21 knowledge or information to form a belief as to the truth or falsity of the allegations in this
22 paragraph and, on that basis, denies those allegations.

23 173. Answering Paragraph 173 of the Supplemental Complaint, defendant City lacks
24 knowledge or information to form a belief as to the truth or falsity of the allegations in this
25 paragraph and, on that basis, denies those allegations.

26 174. Answering Paragraph 174 of the Supplemental Complaint, defendant City lacks
27 knowledge or information to form a belief as to the truth or falsity of the allegations in this
28 paragraph and, on that basis, denies those allegations.

1 175. Answering Paragraph 175 of the Supplemental Complaint, defendant City lacks
2 knowledge or information to form a belief as to the truth or falsity of the allegations in this
3 paragraph and, on that basis, denies those allegations.

4 176. Answering Paragraph 176 of the Supplemental Complaint, defendant City lacks
5 knowledge or information to form a belief as to the truth or falsity of the allegations in this
6 paragraph and, on that basis, denies those allegations.

7 177. Answering Paragraph 177 of the Supplemental Complaint, defendant City lacks
8 knowledge or information to form a belief as to the truth or falsity of the allegations in this
9 paragraph and, on that basis, denies those allegations.

10 178. Answering Paragraph 178 of the Supplemental Complaint, defendant City lacks
11 knowledge or information to form a belief as to the truth or falsity of the allegations in this
12 paragraph and, on that basis, denies those allegations.

13 179. Answering Paragraph 179 of the Supplemental Complaint, defendant City lacks
14 knowledge or information to form a belief as to the truth or falsity of the allegations in this
15 paragraph and, on that basis, denies those allegations.

16 180. Answering Paragraph 180 of the Supplemental Complaint, defendant City lacks
17 knowledge or information to form a belief as to the truth or falsity of the allegations in this
18 paragraph and, on that basis, denies those allegations.

19 181. Answering Paragraph 181 of the Supplemental Complaint, defendant City lacks
20 knowledge or information to form a belief as to the truth or falsity of the allegations in this
21 paragraph and, on that basis, denies those allegations.

22 182. Answering Paragraph 182 of the Supplemental Complaint, defendant City lacks
23 knowledge or information to form a belief as to the truth or falsity of the allegations in this
24 paragraph and, on that basis, denies those allegations.

25 183. Answering Paragraph 183 of the Supplemental Complaint, defendant City lacks
26 knowledge or information to form a belief as to the truth or falsity of the allegations in this
27 paragraph and, on that basis, denies those allegations.

28 184. Answering Paragraph 184 of the Supplemental Complaint, defendant City lacks

1 knowledge or information to form a belief as to the truth or falsity of the allegations in this
2 paragraph and, on that basis, denies those allegations.

3 185. Answering Paragraph 185 of the Supplemental Complaint, defendant City lacks
4 knowledge or information to form a belief as to the truth or falsity of the allegations in this
5 paragraph and, on that basis, denies those allegations.

6 186. Answering Paragraph 186 of the Supplemental Complaint, defendant City lacks
7 knowledge or information to form a belief as to the truth or falsity of the allegations in this
8 paragraph and, on that basis, denies those allegations.

9 187. Answering Paragraph 187 of the Supplemental Complaint, defendant City lacks
10 knowledge or information to form a belief as to the truth or falsity of the allegations in this
11 paragraph and, on that basis, denies those allegations.

12 188. Answering Paragraph 188 of the Supplemental Complaint, defendant City lacks
13 knowledge or information to form a belief as to the truth or falsity of the allegations in this
14 paragraph and, on that basis, denies those allegations.

15 189. Answering Paragraph 189 of the Supplemental Complaint, defendant City lacks
16 knowledge or information to form a belief as to the truth or falsity of the allegations in this
17 paragraph and, on that basis, denies those allegations.

18 190. Answering Paragraph 190 of the Supplemental Complaint, defendant City lacks
19 knowledge or information to form a belief as to the truth or falsity of the allegations in this
20 paragraph and, on that basis, denies those allegations.

21 191. Answering Paragraph 191 of the Supplemental Complaint, defendant City lacks
22 knowledge or information to form a belief as to the truth or falsity of the allegations in this
23 paragraph and, on that basis, denies those allegations.

24 192. Answering Paragraph 192 of the Supplemental Complaint, defendant City lacks
25 knowledge or information to form a belief as to the truth or falsity of the allegations in this
26 paragraph and, on that basis, denies those allegations.

27 193. Answering Paragraph 193 of the Supplemental Complaint, defendant City lacks
28 knowledge or information to form a belief as to the truth or falsity of the allegations in this

1 paragraph and, on that basis, denies those allegations.

2 194. Answering Paragraph 194 of the Supplemental Complaint, defendant City lacks
3 knowledge or information to form a belief as to the truth or falsity of the allegations in this
4 paragraph and, on that basis, denies those allegations.

5 195. Answering Paragraph 195 of the Supplemental Complaint, defendant City lacks
6 knowledge or information to form a belief as to the truth or falsity of the allegations in this
7 paragraph and, on that basis, denies those allegations.

8 196. Answering Paragraph 196 of the Supplemental Complaint, defendant City lacks
9 knowledge or information to form a belief as to the truth or falsity of the allegations in this
10 paragraph and, on that basis, denies those allegations.

11 197. Answering Paragraph 197 of the Supplemental Complaint, defendant City lacks
12 knowledge or information to form a belief as to the truth or falsity of the allegations in this
13 paragraph and, on that basis, denies those allegations.

14 198. Answering Paragraph 198 of the Supplemental Complaint, defendant City lacks
15 knowledge or information to form a belief as to the truth or falsity of the allegations in this
16 paragraph and, on that basis, denies those allegations.

17 199. Answering Paragraph 199 of the Supplemental Complaint, defendant City lacks
18 knowledge or information to form a belief as to the truth or falsity of the allegations in this
19 paragraph and, on that basis, denies those allegations.

20 200. Answering Paragraph 200 of the Supplemental Complaint, defendant City admits
21 that Santa Rosa Police Department officers assisted in storing personal possessions. Defendant
22 City denies the remaining allegations in this paragraph.

23 201. Answering Paragraph 201 of the Supplemental Complaint, defendant City denies
24 the allegations therein.

25 202. Answering Paragraph 202 of the Supplemental Complaint, defendant City admits
26 that the City has enforced ordinances. Defendant City denies the remaining allegations in this
27 paragraph.

28 203. Answering Paragraph 203 of the Supplemental Complaint, defendant City other

1 encampments have been closed. Defendant City denies the remaining allegations in this
2 paragraph.

3 204. Answering Paragraph 204 of the Supplemental Complaint, defendant City lacks
4 knowledge or information to form a belief as to the truth or falsity of the allegations in this
5 paragraph and, on that basis, denies those allegations.

6 205. Answering Paragraph 205 of the Supplemental Complaint, defendant City lacks
7 knowledge or information to form a belief as to the truth or falsity of the allegations in this
8 paragraph and, on that basis, denies those allegations.

9 206. Answering Paragraph 206 of the Supplemental Complaint, defendant City lacks
10 knowledge or information to form a belief as to the truth or falsity of the allegations in this
11 paragraph and, on that basis, denies those allegations.

12 207. Answering Paragraph 207 of the Supplemental Complaint, defendant City lacks
13 knowledge or information to form a belief as to the truth or falsity of the allegations in this
14 paragraph and, on that basis, denies those allegations.

15 208. Answering Paragraph 208 of the Supplemental Complaint, defendant City lacks
16 knowledge or information to form a belief as to the truth or falsity of the allegations in this
17 paragraph and, on that basis, denies those allegations.

18 209. Answering Paragraph 209 of the Supplemental Complaint, defendant City lacks
19 knowledge or information to form a belief as to the truth or falsity of the allegations in this
20 paragraph and, on that basis, denies those allegations.

21 210. Answering Paragraph 210 of the Supplemental Complaint, defendant City lacks
22 knowledge or information to form a belief as to the truth or falsity of the allegations in this
23 paragraph and, on that basis, denies those allegations.

24 211. Answering Paragraph 211 of the Supplemental Complaint, defendant City lacks
25 knowledge or information to form a belief as to the truth or falsity of the allegations in this
26 paragraph and, on that basis, denies those allegations.

27 212. Answering Paragraph 212 of the Supplemental Complaint, defendant City lacks
28 knowledge or information to form a belief as to the truth or falsity of the allegations in this

1 paragraph and, on that basis, denies those allegations.

2 213. Answering Paragraph 213 of the Supplemental Complaint, defendant City lacks
3 knowledge or information to form a belief as to the truth or falsity of the allegations in this
4 paragraph and, on that basis, denies those allegations.

5 214. Answering Paragraph 214 of the Supplemental Complaint, defendant City lacks
6 knowledge or information to form a belief as to the truth or falsity of the allegations in this
7 paragraph and, on that basis, denies those allegations.

8 215. Answering Paragraph 215 of the Supplemental Complaint, defendant City lacks
9 knowledge or information to form a belief as to the truth or falsity of the allegations in this
10 paragraph and, on that basis, denies those allegations.

11 216. Answering Paragraph 216 of the Supplemental Complaint, defendant City lacks
12 knowledge or information to form a belief as to the truth or falsity of the allegations in this
13 paragraph and, on that basis, denies those allegations.

14 217. Answering Paragraph 217 of the Supplemental Complaint, defendant City lacks
15 knowledge or information to form a belief as to the truth or falsity of the allegations in this
16 paragraph and, on that basis, denies those allegations.

17 218. Answering Paragraph 218 of the Supplemental Complaint, defendant City lacks
18 knowledge or information to form a belief as to the truth or falsity of the allegations in this
19 paragraph and, on that basis, denies those allegations.

20 219. Answering Paragraph 219 of the Supplemental Complaint, defendant City lacks
21 knowledge or information to form a belief as to the truth or falsity of the allegations in this
22 paragraph and, on that basis, denies those allegations.

23 220. Answering Paragraph 220 of the Supplemental Complaint, defendant City lacks
24 knowledge or information to form a belief as to the truth or falsity of the allegations in this
25 paragraph and, on that basis, denies those allegations.

26 221. Answering Paragraph 221 of the Supplemental Complaint, defendant City lacks
27 knowledge or information to form a belief as to the truth or falsity of the allegations in this
28 paragraph and, on that basis, denies those allegations.

1 222. Answering Paragraph 222 of the Supplemental Complaint, defendant City lacks
2 knowledge or information to form a belief as to the truth or falsity of the allegations in this
3 paragraph and, on that basis, denies those allegations.

4 223. Answering Paragraph 223 of the Supplemental Complaint, defendant City lacks
5 knowledge or information to form a belief as to the truth or falsity of the allegations in this
6 paragraph and, on that basis, denies those allegations.

7 224. Answering Paragraph 224 of the Supplemental Complaint, defendant City lacks
8 knowledge or information to form a belief as to the truth or falsity of the allegations in this
9 paragraph and, on that basis, denies those allegations.

10 225. Answering Paragraph 225 of the Supplemental Complaint, defendant City lacks
11 knowledge or information to form a belief as to the truth or falsity of the allegations in this
12 paragraph and, on that basis, denies those allegations.

13 226. Answering Paragraph 226 of the Supplemental Complaint, defendant City lacks
14 knowledge or information to form a belief as to the truth or falsity of the allegations in this
15 paragraph and, on that basis, denies those allegations.

16 227. Answering Paragraph 227 of the Supplemental Complaint, defendant City lacks
17 knowledge or information to form a belief as to the truth or falsity of the allegations in this
18 paragraph and, on that basis, denies those allegations.

19 228. Answering Paragraph 228 of the Supplemental Complaint, defendant City lacks
20 knowledge or information to form a belief as to the truth or falsity of the allegations in this
21 paragraph and, on that basis, denies those allegations.

22 **CAUSES OF ACTION**

23 **FIRST CAUSE OF ACTION**

24 229. Answering Paragraph 229 of the Supplemental Complaint, defendant City repeats
25 and incorporates the admissions and denials of paragraph 1 through 228 as though fully set forth
26 herein.

27 230. Answering Paragraph 230 of the Supplemental Complaint, defendant City admits
28 that both the United States and California Constitutions speak for themselves.

1 231. Answering Paragraph 231 of the Supplemental Complaint, defendant City denies
2 the allegations therein.

3 232. Answering Paragraph 232 of the Supplemental Complaint, defendant City denies
4 the allegations therein.

5 233. Answering Paragraph 233 of the Supplemental Complaint, defendant City admits
6 that plaintiffs purport to quote from a City ordinance which speaks for itself. Defendant City
7 denies the remaining allegations in this paragraph.

8 234. Answering Paragraph 234 of the Supplemental Complaint, defendant City admits
9 that plaintiffs purport to quote from a City ordinance which speaks for itself. Defendant City
10 denies the remaining allegations in this paragraph.

11 235. Answering Paragraph 235 of the Supplemental Complaint, defendant City denies
12 the allegations therein.

13 236. Answering Paragraph 236 of the Supplemental Complaint, defendant City admits
14 that plaintiffs purport to quote from a County ordinance which speaks for itself. Defendant City
15 denies the remaining allegations in this paragraph.

16 237. Answering Paragraph 237 of the Supplemental Complaint, defendant City denies
17 the allegations therein.

18 238. Answering Paragraph 238 of the Supplemental Complaint, defendant City denies
19 the allegations therein.

20 239. Answering Paragraph 239 of the Supplemental Complaint, defendant City denies
21 the allegations therein.

22 240. Answering Paragraph 240 of the Supplemental Complaint, defendant City denies
23 the allegations therein.

24 241. Answering Paragraph 241 of the Supplemental Complaint, defendant City denies
25 the allegations therein.

26 242. Answering Paragraph 242 of the Supplemental Complaint, defendant City denies
27 the allegations therein.

28 //

SECOND CAUSE OF ACTION

243. Answering Paragraph 243 of the Supplemental Complaint, defendant City repeats and incorporates the admissions and denials of paragraph 1 through 242 as though fully set forth herein.

244. Answering Paragraph 244 of the Supplemental Complaint, defendant City lacks knowledge or information to form a belief as to the truth or falsity of the allegations in this paragraph and, on that basis, denies those allegations.

245. Answering Paragraph 245 of the Supplemental Complaint, defendant City objects to the plaintiffs' characterization of a City ordinance which speaks for itself. Defendant City denies the remaining allegations in this paragraph.

246. Answering Paragraph 246 of the Supplemental Complaint, defendant City lacks knowledge or information to form a belief as to the truth or falsity of the allegations in this paragraph and, on that basis, denies those allegations.

247. Answering Paragraph 247 of the Supplemental Complaint, defendant City lacks knowledge or information to form a belief as to the truth or falsity of the allegations in this paragraph and, on that basis, denies those allegations.

248. Answering Paragraph 248 of the Supplemental Complaint, defendant City denies the allegations therein.

249. Answering Paragraph 249 of the Supplemental Complaint, defendant City objects to the extent this paragraph attempts to summarize law, which speaks for itself. Defendant City denies the remaining allegations in this paragraph.

250. Answering Paragraph 250 of the Supplemental Complaint, defendant City denies the allegations therein.

251. Answering Paragraph 251 of the Supplemental Complaint, defendant City denies the allegations therein.

252. Answering Paragraph 252 of the Supplemental Complaint, defendant City denies the allegations therein.

253. Answering Paragraph 253 of the Supplemental Complaint, defendant City denies

1 the allegations therein.

2 254. Answering Paragraph 254 of the Supplemental Complaint, defendant City denies
3 the allegations therein.

4 **THIRD CAUSE OF ACTION**

5 255. Answering Paragraph 255 of the Supplemental Complaint, defendant City repeats
6 and incorporates the admissions and denials of paragraph 1 through 254 as though fully set forth
7 herein.

8 256. Answering Paragraph 256 of the Supplemental Complaint, defendant City denies
9 the allegations therein.

10 257. Answering Paragraph 257 of the Supplemental Complaint, defendant City denies
11 the allegations therein.

12 258. Answering Paragraph 258 of the Supplemental Complaint, defendant City's
13 camping ordinance speaks for itself. Defendant City denies the remaining allegations in this
14 paragraph.

15 259. Answering Paragraph 259 of the Supplemental Complaint, defendant City lacks
16 knowledge or information to form a belief as to the truth or falsity of the allegations in this
17 paragraph and, on that basis, denies those allegations.

18 260. Answering Paragraph 260 of the Supplemental Complaint, defendant City lacks
19 knowledge or information to form a belief as to the truth or falsity of the allegations in this
20 paragraph and, on that basis, denies those allegations.

21 261. Answering Paragraph 261 of the Supplemental Complaint, defendant City lacks
22 knowledge or information to form a belief as to the truth or falsity of the allegations in this
23 paragraph and, on that basis, denies those allegations.

24 262. Answering Paragraph 262 of the Supplemental Complaint, defendant City denies
25 the allegations therein.

26 263. Answering Paragraph 263 of the Supplemental Complaint, defendant City denies
27 the allegations therein.

28 264. Answering Paragraph 264 of the Supplemental Complaint, defendant City denies

1 the allegations therein.

2 265. Answering Paragraph 265 of the Supplemental Complaint, defendant City denies
3 the allegations therein.

4 **FOURTH CAUSE OF ACTION**

5 266. Answering Paragraph 266 of the Supplemental Complaint, defendant City repeats
6 and incorporates the admissions and denials of paragraph 1 through 265 as though fully set forth
7 herein.

8 267. Answering Paragraph 267 of the Supplemental Complaint, defendant City objects
9 to plaintiffs' characterization of the law, which speaks for itself.

10 268. Answering Paragraph 268 of the Supplemental Complaint, defendant City denies
11 the allegations therein.

12 269. Answering Paragraph 269 of the Supplemental Complaint, defendant City denies
13 the allegations therein.

14 270. Answering Paragraph 270 of the Supplemental Complaint, defendant City denies
15 the allegations therein.

16 271. Answering Paragraph 271 of the Supplemental Complaint, defendant City denies
17 the allegations therein.

18 272. Answering Paragraph 272 of the Supplemental Complaint, defendant City denies
19 the allegations therein.

20 273. Answering Paragraph 273 of the Supplemental Complaint, defendant City denies
21 the allegations therein.

22 274. Answering Paragraph 274 of the Supplemental Complaint, defendant City denies
23 the allegations therein.

24 275. Answering Paragraph 275 of the Supplemental Complaint, defendant City denies
25 the allegations therein.

26 276. Answering Paragraph 276 of the Supplemental Complaint, defendant City denies
27 the allegations therein.

28 //

FIFTH CAUSE OF ACTION

277. Answering Paragraph 277 of the Supplemental Complaint, defendant City repeats and incorporates the admissions and denials of paragraph 1 through 276 as though fully set forth herein.

278. Answering Paragraph 278 of the Supplemental Complaint, defendant City objects to the extent this paragraph attempts to summarize Federal law. Defendant City denies the remaining allegations in this paragraph.

279. Answering Paragraph 279 of the Supplemental Complaint, defendant City admits the allegations therein.

280. Answering Paragraph 280 of the Supplemental Complaint, defendant City admits the allegations therein.

281. Answering Paragraph 281 of the Supplemental Complaint, defendant City lacks knowledge or information to form a belief as to the truth or falsity of the allegations in this paragraph and, on that basis, denies those allegations.

282. Answering Paragraph 282 of the Supplemental Complaint, defendant City lacks knowledge or information to form a belief as to the truth or falsity of the allegations in this paragraph and, on that basis, denies those allegations.

283. Answering Paragraph 283 of the Supplemental Complaint, defendant City objects to the extent this paragraph attempts to summarize Federal law. Defendant City denies the remaining allegations in this paragraph.

284. Answering Paragraph 284 of the Supplemental Complaint, defendant City lacks knowledge or information to form a belief as to the truth or falsity of the allegations in this paragraph and, on that basis, denies those allegations.

285. Answering Paragraph 285 of the Supplemental Complaint, defendant City denies the allegations therein.

286. Answering Paragraph 286 of the Supplemental Complaint, defendant City denies the allegations therein.

287. Answering Paragraph 287 of the Supplemental Complaint, defendant City denies

1 the allegations therein.

2 288. Answering Paragraph 288 of the Supplemental Complaint, defendant City denies
3 the allegations therein.

4 289. Answering Paragraph 289 of the Supplemental Complaint, defendant City denies
5 the allegations therein.

6 290. Answering Paragraph 290 of the Supplemental Complaint, defendant City denies
7 the allegations therein.

8 291. Answering Paragraph 291 of the Supplemental Complaint, defendant City denies
9 the allegations therein.

10 292. Answering Paragraph 292 of the Supplemental Complaint, defendant City denies
11 the allegations therein.

12 293. Answering Paragraph 293 of the Supplemental Complaint, defendant City denies
13 the allegations therein.

14 **SIXTH CAUSE OF ACTION**

15 294. Answering Paragraph 294 of the Supplemental Complaint, defendant City repeats
16 and incorporates the admissions and denials of paragraph 1 through 293 as though fully set forth
17 herein.

18 295. Answering Paragraph 295 of the Supplemental Complaint, defendant City objects
19 that the plaintiffs attempt to characterize the law, which speaks for itself.

20 296. Answering Paragraph 296 of the Supplemental Complaint, defendant City denies
21 the allegations therein.

22 297. Answering Paragraph 297 of the Supplemental Complaint, defendant City denies
23 the allegations therein.

24 298. Answering Paragraph 298 of the Supplemental Complaint, defendant City denies
25 the allegations therein.

26 299. Answering Paragraph 299 of the Supplemental Complaint, defendant City lacks
27 knowledge or information to form a belief as to the truth or falsity of the allegations in this
28 paragraph and, on that basis, denies those allegations.

1 300. Answering Paragraph 300 of the Supplemental Complaint, defendant City lacks
2 knowledge or information to form a belief as to the truth or falsity of the allegations in this
3 paragraph and, on that basis, denies those allegations.

4 301. Answering Paragraph 301 of the Supplemental Complaint, defendant City lacks
5 knowledge or information to form a belief as to the truth or falsity of the allegations in this
6 paragraph and, on that basis, denies those allegations.

7 302. Answering Paragraph 302 of the Supplemental Complaint, defendant City denies
8 the allegations therein.

9 303. Answering Paragraph 303 of the Supplemental Complaint, defendant City denies
10 the allegations therein.

11 304. Answering Paragraph 304 of the Supplemental Complaint, defendant City denies
12 the allegations therein.

13 305. Answering Paragraph 305 of the Supplemental Complaint, defendant City denies
14 the allegations therein.

15 306. Answering Paragraph 306 of the Supplemental Complaint, defendant City denies
16 the allegations therein.

17 307. Answering Paragraph 307 of the Supplemental Complaint, defendant City denies
18 the allegations therein.

19 308. Answering Paragraph 308 of the Supplemental Complaint, defendant City denies
20 the allegations therein.

21 309. Answering Paragraph 309 of the Supplemental Complaint, defendant City denies
22 the allegations therein.

23 **SEVENTH CAUSE OF ACTION**

24 310. Answering Paragraph 310 of the Supplemental Complaint, defendant City repeats
25 and incorporates the admissions and denials of paragraph 1 through 309 as though fully set forth
26 herein.

27 311. Answering Paragraph 311 of the Supplemental Complaint, defendant City denies
28 the allegations therein.

1 312. Answering Paragraph 312 of the Supplemental Complaint, defendant City denies
2 the allegations therein.

3 313. Answering Paragraph 313 of the Supplemental Complaint, defendant City denies
4 the allegations therein.

5 314. Answering Paragraph 314 of the Supplemental Complaint, defendant City denies
6 the allegations therein.

7 315. Answering Paragraph 315 of the Supplemental Complaint, defendant City denies
8 the allegations therein.

9 316. Answering Paragraph 316 of the Supplemental Complaint, defendant City denies
10 the allegations therein.

11 317. Answering Paragraph 317 of the Supplemental Complaint, defendant City denies
12 the allegations therein.

13 318. Answering Paragraph 318 of the Supplemental Complaint, defendant City denies
14 the allegations therein.

15 319. Answering Paragraph 319 of the Supplemental Complaint, defendant City denies
16 the allegations therein.

17 320. Answering Paragraph 320 of the Supplemental Complaint, defendant City denies
18 the allegations therein.

19 321. Answering Paragraph 321 of the Supplemental Complaint, defendant City denies
20 the allegations therein.

21 **EIGHTH CAUSE OF ACTION**

22 322. Answering Paragraph 322 of the Supplemental Complaint, defendant City repeats
23 and incorporates the admissions and denials of paragraph 1 through 321 as though fully set forth
24 herein.

25 323. Answering Paragraph 323 of the Supplemental Complaint, defendant City objects
26 that plaintiffs attempt to summarize Federal law, which speaks for itself.

27 324. Answering Paragraph 324 of the Supplemental Complaint, defendant City objects
28 that plaintiffs attempt to summarize Federal law, which speaks for itself.

1 325. Answering Paragraph 325 of the Supplemental Complaint, defendant City admits
2 that the City receive and administer Federal funds covered by section 504. Defendant City denies
3 the remaining allegations in this paragraph.

4 326. Answering Paragraph 326 of the Supplemental Complaint, defendant City lacks
5 knowledge or information to form a belief as to the truth or falsity of the allegations in this
6 paragraph and, on that basis, denies those allegations.

7 327. Answering Paragraph 327 of the Supplemental Complaint, defendant City lacks
8 knowledge or information to form a belief as to the truth or falsity of the allegations in this
9 paragraph and, on that basis, denies those allegations.

10 328. Answering Paragraph 328 of the Supplemental Complaint, defendant City objects
11 that plaintiffs attempt to state Federal law which speaks for itself. Defendant City denies the
12 remaining allegations in this paragraph.

13 329. Answering Paragraph 329 of the Supplemental Complaint, defendant City objects
14 that plaintiffs attempt to state Federal law which speaks for itself. Defendant City denies the
15 remaining allegations in this paragraph.

16 330. Answering Paragraph 330 of the Supplemental Complaint, defendant City denies
17 the allegations therein.

18 331. Answering Paragraph 331 of the Supplemental Complaint, defendant City denies
19 the allegations therein.

20 332. Answering Paragraph 332 of the Supplemental Complaint, defendant City denies
21 the allegations therein.

22 333. Answering Paragraph 333 of the Supplemental Complaint, defendant City denies
23 the allegations therein.

24 **NINTH CAUSE OF ACTION**

25 334. Answering Paragraph 334 of the Supplemental Complaint, defendant City repeats
26 and incorporates the admissions and denials of paragraph 1 through 333 as though fully set forth
27 herein.

28 335. Answering Paragraph 335 of the Supplemental Complaint, defendant City objects

1 as plaintiffs are purporting to summarize Federal law, which speaks for itself. Defendant denies
2 the remainder of the allegations in this paragraph.

3 336. Answering Paragraph 336 of the Supplemental Complaint, defendant City objects
4 as plaintiffs are purporting to summarize Federal law, which speaks for itself. Defendant denies
5 the remainder of the allegations in this paragraph.

6 337. Answering Paragraph 337 of the Supplemental Complaint, defendant City objects
7 as plaintiffs are purporting to summarize Federal law, which speaks for itself. Defendant denies
8 the remainder of the allegations in this paragraph.

9 338. Answering Paragraph 338 of the Supplemental Complaint, defendant City denies
10 the allegations therein.

11 339. Answering Paragraph 339 of the Supplemental Complaint, defendant City lacks
12 knowledge or information to form a belief as to the truth or falsity of the allegations in this
13 paragraph and, on that basis, denies those allegations.

14 340. Answering Paragraph 340 of the Supplemental Complaint, defendant City denies
15 the allegations therein.

16 341. Answering Paragraph 341 of the Supplemental Complaint, defendant City denies
17 the allegations therein.

18 342. Answering Paragraph 342 of the Supplemental Complaint, defendant City denies
19 the allegations therein.

20 **TENTH CAUSE OF ACTION**

21 343. Answering Paragraph 343 of the Supplemental Complaint, defendant City repeats
22 and incorporates the admissions and denials of paragraph 1 through 342 as though fully set forth
23 herein.

24 344. Answering Paragraph 344 of the Supplemental Complaint, defendant City objects
25 as plaintiffs are purporting to summarize State law, which speaks for itself. Defendant denies the
26 remainder of the allegations in this paragraph.

27 345. Answering Paragraph 345 of the Supplemental Complaint, defendant City admits
28 that the City is the recipient of State funds. Defendant City denies the remaining allegations in

1 this paragraph.

2 346. Answering Paragraph 346 of the Supplemental Complaint, defendant City objects
3 as plaintiffs are purporting to summarize State law, which speaks for itself. Defendant denies the
4 remainder of the allegations in this paragraph.

5 347. Answering Paragraph 347 of the Supplemental Complaint, defendant City objects
6 as plaintiffs are purporting to summarize State law, which speaks for itself. Defendant denies the
7 remainder of the allegations in this paragraph.

8 348. Answering Paragraph 348 of the Supplemental Complaint, defendant City objects
9 as plaintiffs are purporting to summarize State law, which speaks for itself. Defendant denies the
10 remainder of the allegations in this paragraph.

11 349. Answering Paragraph 349 of the Supplemental Complaint, defendant City lacks
12 knowledge or information to form a belief as to the truth or falsity of the allegations in this
13 paragraph and, on that basis, denies those allegations.

14 350. Answering Paragraph 350 of the Supplemental Complaint, defendant City denies
15 the allegations therein.

16 351. Answering Paragraph 351 of the Supplemental Complaint, defendant City denies
17 the allegations therein.

18 352. Answering Paragraph 352 of the Supplemental Complaint, defendant City denies
19 the allegations therein.

20 353. Answering Paragraph 353 of the Supplemental Complaint, defendant City denies
21 the allegations therein.

22 354. Answering Paragraph 354 of the Supplemental Complaint, defendant City denies
23 the allegations therein.

24 355. Answering Paragraph 355 of the Supplemental Complaint, defendant City denies
25 the allegations therein.

26 356. Answering Paragraph 356 of the Supplemental Complaint, defendant City denies
27 the allegations therein.

28 //

ELEVENTH CAUSE OF ACTION

357. Answering Paragraph 357 of the Supplemental Complaint, defendant City repeats and incorporates the admissions and denials of paragraph 1 through 356 as though fully set forth herein.

358. Answering Paragraph 358 of the Supplemental Complaint, defendant City objects as plaintiffs are purporting to summarize State law, which speaks for itself. Defendant denies the remainder of the allegations in this paragraph.

359. Answering Paragraph 359 of the Supplemental Complaint, defendant City objects as plaintiffs are purporting to summarize State law, which speaks for itself. Defendant denies the remainder of the allegations in this paragraph.

360. Answering Paragraph 360 of the Supplemental Complaint, defendant City objects as plaintiffs are purporting to summarize State law, which speaks for itself. Defendant denies the remainder of the allegations in this paragraph.

361. Answering Paragraph 361 of the Supplemental Complaint, defendant City lacks knowledge or information to form a belief as to the truth or falsity of the allegations in this paragraph and, on that basis, denies those allegations.

362. Answering Paragraph 362 of the Supplemental Complaint, defendant City denies the allegations therein.

363. Answering Paragraph 363 of the Supplemental Complaint, defendant City denies the allegations therein.

364. Answering Paragraph 364 of the Supplemental Complaint, defendant City denies the allegations therein.

TWELFTH CAUSE OF ACTION

365. Answering Paragraph 365 of the Supplemental Complaint, defendant City repeats and incorporates the admissions and denials of paragraph 1 through 364 as though fully set forth herein.

366. Answering Paragraph 366 of the Supplemental Complaint, defendant City objects as plaintiffs are purporting to summarize Federal law, which speaks for itself. Defendant denies

1 the remainder of the allegations in this paragraph.

2 367. Answering Paragraph 367 of the Supplemental Complaint, defendant City admits
3 the City receives and administers federal housing funds. Defendant City denies the remaining
4 allegations in this paragraph.

5 368. Answering Paragraph 368 of the Supplemental Complaint, defendant City denies
6 the allegations therein.

7 369. Answering Paragraph 369 of the Supplemental Complaint, defendant City denies
8 the allegations therein.

9 370. Answering Paragraph 370 of the Supplemental Complaint, defendant City denies
10 the allegations therein.

11 371. Answering Paragraph 371 of the Supplemental Complaint, defendant City denies
12 the allegations therein.

13 372. Answering Paragraph 372 of the Supplemental Complaint, defendant City denies
14 the allegations therein.

15 373. Answering Paragraph 373 of the Supplemental Complaint, defendant City denies
16 the allegations therein.

17 **PRAYER FOR RELIEF**

18 Defendant City denies that plaintiffs are entitled to judgment sought as set forth in
19 paragraphs 1-7 on pages 58 and 59 of their Complaint.

20 **AFFIRMATIVE DEFENSES**

21 As separate and distinct affirmative defenses, defendant City alleges:

22 1. **First Affirmative Defense:** As a first separate and distinct affirmative defense,
23 defendant City alleges that the Verified Amended Complaint and Supplemental Complaint fail to
24 state a claim upon which relief can be granted and fail to state sufficient facts to constitute a
25 claim for relief against defendants.

26 2. **Second Affirmative Defense:** As a second separate and distinct affirmative
27 defense, defendant City alleges that the relief sought by plaintiffs is barred to the extent they lack
28 the requisite standing to obtain such relief.

1 3. **Third Affirmative Defense:** As a third separate and distinct affirmative defense,
2 defendant City alleges that the relief sought by plaintiffs is barred to the extent the claims are
3 barred by the applicable statute of limitations.

4 4. **Fourth Affirmative Defense:** As a fourth separate and distinct affirmative
5 defense, defendant City alleges that the relief sought by plaintiffs is barred to the extent they
6 have failed to take reasonable or necessary steps to mitigate any alleged damages.

7 5. **Fifth Affirmative Defense:** As a fifth separate and distinct affirmative defense,
8 defendant City alleges that the relief sought by plaintiffs is barred to the extent they were
9 required, but failed, to timely present a claim or otherwise comply with the requirements of the
10 California Government Claims Act.

11 6. **Sixth Affirmative Defense:** As a sixth separate and distinct affirmative defense,
12 defendant City alleges that the relief sought by plaintiffs is barred to the extent they have failed to
13 join parties in whose absence the Court cannot award complete relief among the existing parties.

14 7. **Seventh Affirmative Defense:** As a seventh separate and distinct affirmative
15 defense, defendant City alleges that the matters alleged in the Verified Amended Complaint and
16 Supplemental Complaint do not rise to the level of a deprivation of rights that are protected by
17 the United States or California constitutions or any of the laws or regulations referred to in them.

18 8. **Eighth Affirmative Defense:** As an eighth separate and distinct affirmative
19 defense, defendant City alleges that some or all of the acts or omissions complained of by
20 plaintiffs did not arise as a result of, nor was there any custom, policy, procedure, agreement or
21 understanding of the City that deprived plaintiffs of any civil rights.

22 9. **Ninth Affirmative Defense:** As a ninth separate and distinct affirmative defense,
23 defendant City alleges that the City does not have an official policy, patter, custom or practice of
24 engaging in the deprivation of constitutional or statutory rights as alleged in the Verified
25 Amended Complaint and Supplemental Complaint. Defendant City further alleges that
26 plaintiffs' constitutional and statutory rights were not violated by defendant City. Plaintiffs have
27 not made factual allegations sufficient to establish that homelessness or poverty is a protected
28 class under the Due Process Clause of the Fourteenth Amendment, or that any acts or omissions

1 of defendant City as alleged in the Verified Amended Complaint and Supplemental Complaint
2 constituted cruel or unusual punishment within the Eighth or Fourteenth Amendments or the
3 California Constitution, or a violation of substantive due process rights within the meaning of the
4 Fourteenth Amendment or the California Constitution.

5 10. **Tenth Affirmative Defense:** As a tenth separate and distinct affirmative defense,
6 defendant City alleges that the relief sought by plaintiffs is barred to the extent such relief would
7 be fundamental alteration of programs and services of the City or programs that are not
8 administered or in the control of the City of Santa Rosa.

9 11. **Eleventh Affirmative Defense:** As an eleventh separate and distinct affirmative
10 defense, defendant City alleges that the relief sought by plaintiffs is barred to the extent such
11 relief would constitute an undue financial and administrative burden on the City of Santa Rosa.

12 12. **Twelfth Affirmative Defense:** As a twelfth separate and distinct affirmative
13 defense, defendant City alleges that the allegations contained in the Verified Amended
14 Complaint and Supplemental Complaint fall within the immunities, defenses and privileges set
15 forth under applicable federal and state law, including but not limited to the Federal Civil Rights
16 Act, the California Government Claims Act, and the California Penal Code. Defendant City is
17 immune from liability for acts undertaken in than official capacity, in good faith, even if
18 mistaken, in accordance with reasonably or clearly established law, and without wrongful intent
19 at all times alleged in the Verified Amended Complaint and Supplemental Complaint.

20 13. **Thirteenth Affirmative Defense:** As a thirteenth separate and distinct
21 affirmative defense, defendant City alleges that it has engaged attorneys to represent it in the
22 defense of plaintiffs' Verified Amended Complaint and Supplemental Complaint, and it is
23 entitled to an award of reasonable attorney's fees and costs upon judgment in its favor in
24 accordance with applicable law, including but not limited to 42 U.S.C. § 1988, 28 U.S.C. § 1920,
25 Rule 11 of the Federal Rules of Civil Procedure and/or California Code of Civil Procedure §
26 1038.

27 14. **Fourteenth Affirmative Defense:** As a fourteenth separate and distinct
28 affirmative defense, defendant City alleges that the relief sought by plaintiffs is barred to the

1 extent their claims are moot.

2 15. **Fifteenth Affirmative Defense:** As a fifteenth separate and distinct affirmative
3 defense, defendant City alleges the relief sought by plaintiffs is barred to the extent they seek to
4 compel or control City of Santa Rosa's exercise of their lawful discretion in a particular manner,
5 including without limitation the expenditure of public funds and the enforcement of valid laws
6 and regulations.

7 16. **Sixteenth Affirmative Defense:** As a sixteenth separate and distinct affirmative
8 defense, defendant City alleges this Court lacks subject matter jurisdiction over plaintiffs'
9 purported claims.

10 17. **Seventeenth Affirmative Defense:** As a seventeenth separate and distinct
11 affirmative defense, defendant City alleges that plaintiffs cannot meet the requirements of the
12 Eighth Amendment; 42 U.S.C. § 1983 California Constitution sections 7 and 17 as the City has
13 sufficient shelter for the homeless population at issue.

14 18. **Eighteenth Affirmative Defense:** As an eighteenth separate and distinct
15 affirmative defense, defendant City alleges that plaintiffs claims are barred because plaintiffs'
16 injuries and damages, if there were any, were not caused by any improper act by defendant City,
17 but by other persons beyond its control.

18 19. **Nineteenth Affirmative Defense:** As a nineteenth separate and distinct
19 affirmative defense, defendant City alleges claims are barred because the City took actions
20 alleged in the Verified Amended Complaint and Supplemental Complaint to protect important
21 governmental interests, and protection of such interest could not be achieved by less restrictive
22 means.

23 **DEMAND FOR JURY TRIAL**

24 Defendant City respectfully demands a jury trial in this matter.

25
26 DATED: November 6, 2018

27 /s/
28 ROBERT L. JACKSON
Assistant City Attorney
Attorney for Defendant City of Santa Rosa